

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WAYNE LAND AND MINERAL
GROUP, LLC

Plaintiff,
v.
3:16-CV-00897
(JUDGE MARIANI)

DELAWARE RIVER BASIN
COMMISSION

Defendant, and

DELAWARE RIVERKEEPER NETWORK
MAYA K. VAN ROSSUM, THE
DELAWARE RIVERKEEPER

Intervenors-Defendants :

ORDER

AND NOW, THIS 14th DAY OF FEBRUARY 2020, upon consideration of Plaintiff's Motion to Compel (Doc. 152) and all relevant documents, for the reasons set out in the simultaneously filed Memorandum Opinion, IT IS HEREBY ORDERED THAT:

1. Plaintiff's Motion to Compel (Doc. 152) is **DENIED IN PART** and **GRANTED IN PART**.
2. The Motion is **DENIED** insofar as
 - Privilege Log Document Numbers 24 through 28, 30, 31, 34, and 36 through 45 are protected in whole or in part by the attorney-client privilege and the protected material is not discoverable;
 - Privilege Log Document Numbers 2, 5, 10, 11, 15, 17 through 20, and 22 are protected by the deliberative process privilege and, because

the need for disclosure does not outweigh the need for confidentiality,
the protected material in these Document Numbers is not
discoverable.

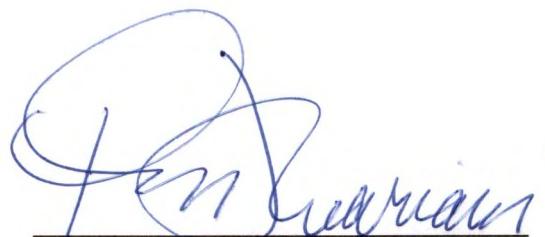
3. The Motion is **GRANTED** insofar as

- Privilege Log Document Numbers 1, 6, 7, 14, 23, 29, 32, 33, and 35 are not protected by the attorney-client privilege or the deliberative process privilege and must be disclosed;
- Document Numbers 3, 4, 8, 9, 12, 13, 16, and 21 are protected by the deliberative process privilege, but the need for disclosure of material identified therein outweighs Defendant's interest in nondisclosure, and, therefore, specifically identified material in these documents must be disclosed.

4. Defendant shall produce the required material within **seven (7) days** of the

date of this Order.

5. The parties shall meet and confer about the protection of the confidential information contained in Document Number 7 and report to the Court within **seven (7) days** of the date of this Order if they are unable to reach agreement on this matter.



A handwritten signature in blue ink, appearing to read "Robert D. Mariani".

Robert D. Mariani
United States District Judge